

REMARKS

Favorable reconsideration of the application is respectfully requested in light of the remarks to follow.

Claims 22-54 are pending in this application. Claims 34-51 were subjected to a restriction requirement.

Claims 22-33 were rejected under 35 U.S.C. 103(a) over U.S. Patent No. 6,326,926 ("Shoobridge"). Without admitting that this reference is prior art to the present application (note that the Shoobridge patent was filed only a few weeks prior to the filing of this application)

Applicants respectfully traverse this rejection for at least the following reasons:

In contrast to Claim 22, for example, Applicants submit that Shoobridge does not disclose or suggest a wireless transmission system comprising a plurality of public access servers and at least one mobile terminal, wherein,

"the mobile terminal is designed to upload/download content from one of said public access servers by means of a wireless transmission and the public download servers all operate with the same transmission frequency in a non-licensed band;

each public access server downloads/uploads content to mobile terminals only within a small localized area; and

there is no hand-over between adjacent public access servers."

The Office Action stated the following in regard to the handover issue:

"... Shoobridge does not disclose that there is no hand-over between adjacent public access servers. However, data communications such as the transferring of data between a wireless Personal Digital Assistant (PDA) and a server are well known for not handing off between one server to the next server when the user of the PDA moves from one server to another server and the Examiner takes Official Notice of such It is noted here that Shoobridge never discloses any handoff between the access point."

Applicants submit, however, that Shoobridge does, in fact, imply a hand-over based system. In addition, to the knowledge of Applicants' representative, there is no prior art reference that supports the Examiner's statements concerning PDA's: in fact, the Shoobridge reference contradicts the Examiner's assumption at col. 1, lines 45-58, which reads:

"Typically, access points will be positioned along the backbones such that the combined cell area coverage from each access point provides full coverage of a building or site. Mobile devices such as telephones, pagers, personal digital assistants (PDA's) are designed to be carried throughout the system from cell to cell. ... As the mobile device roams from one cell to another, the mobile device will typically deregister with the access point of the previous cell and register with the access point associated with the new cell." (emphasis added)

Further, the aspect of the mobile unit roaming from one cell to another and associating itself with a new access point 24 of the new cell, i.e., implying that handoff from one access point 24 to another does in fact take place in Shoobridge, is disclosed at col. 5, lines 47-50 and col. 6, lines 48-54.

Accordingly, in light of the above disclosure in Shoobridge it is readily apparent that Shoobridge, by specifically teaching a system with handover operations, teaches away from the present invention which is a non-handover type system. Moreover, as mentioned above Shoobridge reveals that PDA's are also designed to implement handover, contrary to the Examiner's Official Notice.

Thus, in light of the above differences, it is submitted that Applicants' independent Claim 22 (as well as analogous method Claim 26) is patentably distinguishable from Shoobridge.

Claims 23-25 and 27-33 are patentable based at least upon their respective dependencies from Claims 22 and 26.

In addition, Claims 31-33, for example, claim that the public access server is installed in: public vehicles; facing sidewalks; and at gas stations or traffic lights, respectively. The Office

Action asserted that these claims merely add the intention of using the system in various environments and are obvious and well within the level of ordinary skill in the art. Applicants respectfully traverse this statement. As explained previously, these claims are not just intended use for the system in various environments: what the Applicants are claiming is a system having various elements, *and the placement of such elements in relation to other claim elements impacts the structure of the overall system*. Thus the Examiner's rejection based on intended use is misguided. In addition, the Office Action has stated that the recited features are obvious without providing any reference to support the contention. That is, a *prima facie* case of obviousness has not been established for these claims.

Claims 52-54

Independent Claim 52 was rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,218,987 ("Derneryd"). Applicants respectfully traverse this rejection. Claim 52 claims a wireless transmission system in the 60 GHz band, with a fixed hub provided with a wide angle beam antenna and a mobile terminal with a narrow beam antenna. The Office Action asserted that Derneryd discloses both a fixed hub with a wide angle beam antenna and a mobile terminal with a narrow beam antenna (referring to Col. 3). Applicants submit that this assertion is incorrect: the Derneryd disclosure only refers to beam forming techniques with a Butler Matrix and so forth employed at the base station: it is silent regarding the antenna used at the mobile terminal. That is, the communication mentioned in col. 3 between base stations and mobile terminals occurs over mobile terminals with (conventional) wide beams, and base stations with Butler Matrix generated narrow beams. This scenario is different from that claimed in Claim 52. Accordingly, Claim 52 is not rendered obvious by Derneryd under §103.

Claims 53 and 54 are patentable over Derneryd based at least upon their dependencies from Claim 52.

In addition, Claim 53 claims that the fixed hub is provided with a kidney shaped beam in cross section (to communicate signals with mobile terminals). The Office Action relied upon the Fischer patent (U.S. Patent No. 6,360,075) for disclosing a mobile terminal and a central hub that utilizes a cardioid antenna, asserting that the cardioid antenna has a kidney shaped cross section. The Examiner's assertion is misplaced, however, in that no mobile terminals are disclosed: see Fig. 1, subscribers 14 are all fixed stations. In addition, a cardioid antenna is known to produce a heart-shaped radiation pattern that is more concentrated in one direction, to allow a longer maximum range. The concentration of energy in one direction reduces the coverage in the opposite direction. This type of antenna is different than the kidney-shaped beam antenna claimed, which has two main lobes separated by a depression. Accordingly, Claim 53 is patentably distinguishable over any proper combination of Derneryd and Fisher.

Moreover, Claim 54 claims that the antenna is mounted on a ceiling and the kidney shaped beam has a local minimum level in the cross section in a direction opposing the ceiling. The Examiner did not cite any reference disclosing this feature, but instead asserted that the claim merely adds the intention of using the system in a particular environment. This rejection is misguided in that the kidney-shaped beam antenna is only one component of the overall system, and positioning it in a specific location and orientation with respect to other components *changes the structure of the system*. That is, such positioning and orientation is not merely "intended use" and must be considered a limitation of the claim.

Conclusion

In light of the foregoing, entry of this Response, and the allowance of this application with Claims 22-33 and 52-54 are respectfully solicited.

The above statements concerning the disclosures in the cited references represent the present opinion of Applicants' representative and, in the event that the Examiner disagrees, Applicants' representative respectfully requests the Examiner specifically indicate those portions of the reference providing the basis for a contrary view.

In the event that additional cooperation in this case may be helpful to complete its prosecution, the Examiner is cordially invited to contact Applicant's representative at the telephone number written below.

Respectfully submitted,
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